



RESTRICTION ELECTION FACSIMILE TRANSMISSION

FAX RECEIVED

JAN 18 2001

GROUP 1600

DATE: 1/17/02

FROM/ATTORNEY: JOSEPH T. LEONE

FIRM: DEWITT ROSS ; STEVENS

PAGES, INCLUDING COVERSHEET: 4

PHONE NUMBER: 608-831-2100

OFFICIAL

TO EXAMINER: JAMROZ

ART UNIT: 1644

SERIAL NUMBER: 09/806,955

FAX/TELECOPIER NUMBER: (703) 308-4315

**PLEASE NOTE: THIS FACSIMILE NUMBER IS TO BE USED ONLY
FOR RESPONSES TO RESTRICTIONS.**

COMMENTS: ATTY DOCKET 78104.023

IF YOU HAVE NOT RECEIVED ALL THE PAGES OF THIS TRANSMISSION, PLEASE CONTACT THE ATTORNEY AT THE
TELEPHONE NUMBER LISTED ABOVE.

IN COMPLIANCE WITH 1096 OG 30, THE FILING DATE ACCORDED EACH OFFICIAL FAX TRANSMISSION WILL BE
DETERMINED BY THE FAX MACHINE DATE STAMP FOUND ON THE LAST PAGE OF THE TRANSMISSION, UNLESS THAT
DATE IS A SATURDAY, SUNDAY, OR FEDERAL HOLIDAY WITHIN THE DISTRICT OF COLUMBIA, IN WHICH CASE THE
OFFICIAL DATE OF RECEIPT WILL BE THE NEXT BUSINESS DAY.

THE DOCUMENT(S) ACCOMPANYING THIS FACSIMILE TRANSMISSION CONTAIN(S) INFORMATION FROM THE UNITED
STATES PATENT AND TRADEMARK OFFICE WHICH IS CONFIDENTIAL AND/OR LEGALLY PRIVILEGED. THIS
INFORMATION IS FOR THE USE OF THE INDIVIDUAL OR FIRM NAMED ON THIS SHEET. IF YOU ARE NOT THE INTENDED
RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION, OR THE TAKING OF ANY
ACTION IN RELIANCE ON THE CONTENTS OF THIS INFORMATION IS STRICTLY PROHIBITED. THE DOCUMENTS SHOULD
BE RETURNED TO THE PATENT AND TRADEMARK OFFICE IMMEDIATELY. IF THIS FACSIMILE IS RECEIVED IN ERROR,
PLEASE NOTIFY THE ATTORNEY LISTED HEREON IMMEDIATELY.

Rec'd 1-17-02
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Serial No. 09/806,955****Attorney Docket No.: 78104.023****Filing Date: July 11, 2001****Examiner: Jamroz****Applicants: Panayi et al.****Art Unit: 1644****Title: TREATMENT OF INFLAMMATORY DISEASE****RESTRICTION RESPONSE**

VIA FAX ONLY: 703-308-4315
Assistant Commissioner for Patents
Washington, D.C. 20231

2/29/02
1-20-02

Sir:

In response to the Office Action dated December 20, 2001, Applicants provisionally elect, with traverse, Group I, Claims 18, 19, 22-25, and 44-53.

REMARKS

Restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP §803). In the context of a national phase application maturing from a PCT application, restriction is proper only if the claims do not relate to a single general inventive concept (PCT Rule 13.2). Under both MPEP §803 and PCT Rule 13.2, however, the burden is on the Office to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims. Applicants respectfully traverse the restriction requirement on the grounds that the Office has not carried the burden of providing any sound reason and/or example to support the conclusion that the claims of the restricted groups are, in fact, distinct.